

MORRISON & HECKER LLP

ATTORNEYS AT LAW

1150 18th Street N.W., Suite 800
Washington, D.C. 20036-3816
Telephone (202) 785-9100
Telefax (202) 785-9163
www.moheck.com

DOCKET FILE COPY ORIGINAL

RECEIVED

MAR - 7 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 7, 2001

Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445 12th St., S.W.
Room TW-B204
Washington, D.C. 20554

*Re: Michigan Public Service Commission Reply Comments
on Numbering Resource Optimization
CC Docket No. 99-200 and CC Docket No. 96-98*

Dear Secretary Salas:

Enclosed please find a copy of the Reply Comments of the Michigan Public Service Commission on Numbering Resource Optimization in the above referenced matter.

If the Commission has any questions about this filing, please do not hesitate to contact me at (202) 785-9100.

Sincerely,



Carrie L. McGuire

Enclosure

cc:
Carmel Weathers - (Diskette)
International Transcription Service, Inc. - (Hard Copy)

No. of Copies rec'd 5
List ABCDE

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RECEIVED

MAR - 7 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Petition for Declaratory Ruling and Request)	CC Docket No. 96-98
For Expedited Action on the July 15, 1997)	
Order of the Pennsylvania Public Utility)	
Commission Regarding Area Codes 412,)	
610, 215 and 717)	

**REPLY COMMENTS OF THE MICHIGAN PUBLIC SERVICE
COMMISSION ON NUMBERING RESOURCE OPTIMIZATION**

I. INTRODUCTION

Pursuant to the Federal Communication Commission's ("FCC") procedural schedule, the Michigan Public Service Commission ("MPSC") hereby submits its Reply Comments to Initial Comments submitted on February 14, 2001. The MPSC replies to initial comments filed by wireless and wireline carriers in four categories: (i) password-protected access of data; (ii) overlays; (iii) rate center consolidation; and (iv) withholding numbers/liability of related carriers.

II. DISCUSSION

**A. The MPSC Supports State Commissions' Password-Protected Access to
Mandatorily Reported Data.**

In its Further Notice of Proposed Rulemaking ("FNPRM"), the FCC requested comment on whether states should be provided with password-protected access to mandatorily reported data received by the North American Numbering Plan Administrator (NANPA).¹ Several parties filed initial comments endorsing the proposal of providing state commissions with password-protected

¹ FNPRM ¶ 151.

access to data collected by the NANPA regarding numbering resources.² Likewise, the MPSC supports such a policy. The MPSC believes that, to effectively implement area code relief and numbering resources optimization measures in their respective states, state commissions need access to all relevant data in order to make informed decisions. Such a measure would ensure that databases are subject to appropriate confidentiality safeguards.

B. The MPSC Urges the FCC to Modify Its Blanket Prohibition on Service and Technology-Specific Overlays.

In the FNPRM, the FCC requested comment on the issue of authorizing states to implement technology-specific or service-specific overlays.³ Several carriers argued against the implementation of transitional or technology-specific overlays, stating that they were "inefficient and discriminatory in that they favor the wireless industry."⁴ These carriers also stated that technology-specific overlays could lead to number exhaust⁵ and the "best defense" against number exhaust is number pooling or "other number conservation methods."⁶ These comments, however, do not contemplate necessarily pragmatic solutions.

The MPSC's request that the FCC repeal its prohibition against technology-specific overlays rests soundly on the views expressed by the public⁷ and the local government agencies⁸ at public hearings on area code relief. Rather than completely eliminate these approaches, the MPSC would like to have service and technology-specific overlays added to the options available to the states for area code relief. Affording the states more options ultimately enhances their ability to craft

² See e.g., Comments of Verizon Communications at p. 9, Comments of Focal Communications at p. 5, Comments of Illinois Commerce Commission at p. 11.

³ FNPRM ¶ 128.

⁴ Comments of Association for Local Telecommunications ("ALTS") at pp. 4-5; Comments of Focal Communications at p. 2.

⁵ Comments of ALTS at p. 3.

⁶ Comments of Focal Communications at p. 4.

⁷ MPSC Order U-12588, Vol II (public hearing), pg 121, November 20, 2000, attached as Exhibit A.

appropriate area code relief solutions.

Viewing service and technology overlays strictly from a technical perspective is flawed. Several equally important factors must also be considered. First, the MPSC, as well as other state commissions, has received comments from residents⁹ that they prefer a technology-specific overlay instead of other types of area code relief in the form of area code splits or geographic overlays because it would be less disruptive. Public acceptance of timely area code relief must be considered and may require compromise in the technical/engineering solutions being considered. Although engineering solutions may be mathematically ideal, they may not conform to the needs of a particular state's residents. It is the needs of those residents and businesses that the MPSC and other governmental agencies, including the FCC, are responsible for protecting.

Second, many states, including Michigan, that are currently facing numbering exhaust in several Numbering Plan Areas (NPAs) do not always have the necessary time available to initiate number conservation measures, which may not provide long term positive solutions to the number exhaust problem.

With regard to Focal Communications' comment that the wireless industry seeks to delay local number portability (LNP)¹⁰, the MPSC recommends that, to the extent that LNP is essential to implementing technological or transitional overlay plans to assure a stable supply of numbering resources in a particular state, LNP capability should be required of all carriers as expeditiously as possible.¹¹ Currently, non-LNP carriers must be LNP capable by November 24, 2002, which the FCC has determined is a reasonable date, and the MPSC concurs.

⁸MPSC Order U-12721, Vol I (public hearing), pg 24, December 19, 2000, attached as Exhibit B.

⁹MPSC Order U-12588, Vol II (public hearing) pg. 121, November 20, 2000.

¹⁰Comments of Focal Communications at p. 4.

¹¹See CC Docket No. 99-200, March 17, 2000 at ¶135.

C. The MPSC Supports Case-Specific Consideration of Rate Center Consolidation.

The MPSC agrees with the comments submitted by ALTS¹² and Focal Communications¹³ that the North American Numbering Council (NANC) and NANPA should study the costs and impacts associated with using rate center consolidation as a number conservation measure. If the costs would result in significant increases in customer bills, this is a factor that each state commission should take into consideration before selecting and implementing a number optimization plan.

The MPSC disagrees with comments made by Focal Communications that rate center consolidation will have no impact on the "current number exhaust crisis."¹⁴ The current numbering situation must be viewed as a long-term broadbased problem with rate center consolidation as an option available to states. Rate impact is only one factor that state commissions must consider when crafting area code relief and number conservation programs. Other factors, such as public acceptance of 10 digit dialing and the expansion of the NANP to 11 or 12 digits, are all factors that must also be considered.

D. States Should Have the Flexibility To Fashion Appropriate Measures To Deal With Noncomplying Carriers.

The MPSC notes that several carriers are opposed to withholding numbers for noncompliance with federal and state regulations. Level 3 Communications suggests that the withholding of numbering resources only be triggered when all other methods have failed.¹⁵ AT&T suggests such a measure when there is an egregious, discernible pattern of non-compliance or to

¹² Comments of ALTS at p. 9.

¹³ Comments of Focal Communications at p. 5.

¹⁴ *Id.* at p. 4.

¹⁵ Comments of Level 3 Communications at p. 4.

punish repeat offenders.¹⁶ Others state that the objective should be compliance and not punishment.¹⁷

The MPSC believes that the states should have a major role in determining whether a company is not handling scarce numbering resources in an appropriate manner. Since these issues tend to be very time sensitive, states must have the flexibility to address them appropriately and expeditiously. Penalties and standards, however, must be consistent with the established Numbering Resources Utilization and Forecast procedure implemented by the FCC CC Docket No. 99-200, dated March 17, 2000.

III. CONCLUSION

Area code relief is a critically important issue to those states, such as Michigan, that are currently facing numbering exhaust in several NPAs. Since there may not be the necessary time to implement conservation measures, additional options, such as service and technology specific overlays, may assist in relief planning. The MPSC requests that the FCC authorize service and technology specific overlays as a possible solution in area code relief plans.

¹⁶ Comment of AT&T at p. 9.

¹⁷ Comments of Verizon Wireless at p. 37; comments of VoiceStream Communications at p. 14.

The MPSC additionally requests that the FCC extend the ability of states to assist in the withholding of numbering resources from non-compliant carriers. Compliance with numbering regulations should be foremost in numbering allocation.

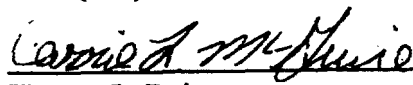
Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

By Its Attorneys,

JENNIFER M. GRANHOLM
Attorney General

David A. Voges
Henry Boynton
Assistant Attorney General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
Telephone: (517) 241-6680
Fax: (517) 241-6678


Harvey L. Reiter
Gregory O. Olaniran
Carrie L. McGuire
Morrison & Hecker L.L.P.
Special Assistant Attorneys General
1150 18th Street, NW, Suite 800
Washington, DC 20036-3816
Telephone: (202) 785-9100

Dated: March 7, 2001

::ODMA\PCDOCS\WDCDOCS\294862

CERTIFICATE OF SERVICE

I, Carrie L. McGuire, hereby certify that I have this 7th day of March 2001, served the foregoing document upon the persons identified below.


Carrie L. McGuire

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-B204
Washington, DC 20554

Carmel Weathers
Network Services Division
Common Carrier Bureau
445 12th Street, SW
Room 6-B153
Washington, DC 20554
(By Diskette)

International Transcription Service
445 12th Street, SW – Room CY-B402
Washington, DC 20554

EXHIBIT A

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own motion,
to consider implementation of an 810 area code
relief plan.

Case No. U-12588

At the December 11, 2000 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

OPINION AND ORDER

The 1999 Central Office Code Utilization Survey's projected demand for new central office codes (frequently referred to as NXX codes) indicated that the still-available NXX codes in the 810 area code could be exhausted by the second quarter of 2000. Based upon the projected exhaustion date and an unanticipated increase in the demand for NXX codes within the 810 area code, the North American Numbering Plan (NANP) Administrator, which is currently NeuStar, Inc.,¹ formally declared the 810 area code's numbering plan to be in jeopardy and, on April 2, 1999, notified the Commission and the telecommunications industry of that fact. Following discussions both among its members and with NeuStar, the industry adopted procedures intended to delay the exhaustion of NXX codes within the 810 area code until the second quarter of 2001.

¹In late 1999, all NANP and other numbering functions were transferred from Lockheed Martin IMS, Inc., to NeuStar.

On May 18, 1999, members of the industry met again with NeuStar, this time to discuss long-term relief alternatives for the 810 area code. In the course of that meeting, the relative benefits and pitfalls of several alternative relief plans were discussed. Those alternatives included proposals to implement various geographic splits or overlays.² As a result of that meeting, an all-services distributed overlay was recommended as the preferred means of relief. According to NeuStar and the industry, they reached this conclusion because customers located within the 810 area code have already been subject to a geographic split, and implementing the all-services distributed overlay would allow them to retain their existing 810 area code and not require them to change their seven-digit phone numbers. Because the statutes then in effect did not allow the Commission to assert jurisdiction over the proposed area code relief plan when it was initially presented, NeuStar and the industry submitted a petition to the Federal Communications Commission (FCC) for review and approval of their proposal.

On July 17, 2000, Governor John Engler signed into law Public Act 295 of 2000, which amended the Michigan Telecommunications Act, 1991 PA 179, as previously amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq. (the Act). Among other things, the Act's recent amendments grant the Commission authority to address proposed area code changes in Michigan. Specifically, Section 303(4) of the Act, which was added by Public Act 295, states that:

The commission has the authority to approve or deny a proposed addition, elimination, or modification of an area code in this state. The commission shall give public notice and shall conduct a public hearing in the affected geographic area before an addition, elimination, or modification of an area code is made in this state.

²A geographic split refers to situations in which the geographic area served by an area code in which there are few or no NXX codes left for assignment is split into two or more geographic parts, each with a separate area code. In contrast, an overlay provides relief by opening up another area code within the same geographic area as the area code requiring relief.

MCL 484.2303(4); MSA 22.1469(303)(4). In light of this recent extension of the Commission's authority, the FCC returned the issue of the 810 area code relief plan to the Commission for its consideration by letter dated July 28, 2000. On August 31, 2000, the Commission issued an order setting public hearings on the 810 area code relief plan for November 9, 2000 in Flint and November 20, 2000 in Mount Clemens. The Commission also provided an opportunity for interested persons to file written comments on or before November 21, 2000 and replies on or before December 5, 2000.

At the hearings, Frank Colaco, a representative of NeuStar, explained that the industry examined six alternatives for area code relief. The first alternative involved a geographic split of the existing 810 area code that would be accomplished by dividing it into eastern and western segments with a boundary line running from north to south that bisected Lapeer County down its center.

The second and third alternatives also involved geographic splits. In each case, Macomb County would be divided from the remainder of the 810 area code. Under the second alternative, Macomb County would retain the 810 area code designation and the remainder would be assigned the 586 area code designation. Under the third alternative, Macomb County would be assigned 586 area code designation, with the remainder retaining the 810 area code designation.

The fourth alternative involves an all-systems overlay. Existing customers would retain their current ten digit telephone numbers. Upon implementation of the overlay, new numbers would be assigned an 810 or 586 area code until all 810 numbers are exhausted. Following exhaustion of numbers associated with the 810 area code, all code assignments would involve the 586 area code. Implementation of the overlay approach would necessitate all customers dialing an area code in order to complete a local call.

The fifth alternative involved a proposal to simultaneously overlay four existing area codes in Michigan with the 586 area code. Finally, the sixth alternative proposes that a new area code apply only to wireless customers.

At the conclusion of his remarks, Mr. Colaco recommended that the Commission adopt the fourth alternative--the area-wide overlay proposal. In so doing, he stated that his recommendation was based upon a consensus of the industry representatives that was reached after much debate and consideration of the six alternatives.

The two public hearings were attended by over 30 persons. In addition, almost 100 written comments were submitted for the Commission's consideration. The overwhelming majority of the comments indicated substantial opposition to the area-wide overlay proposal. For the most part, the overlay alternative was viewed as having the potential for mass confusion. Many people expressed the belief that the general public would be greatly inconvenienced by any system that abandons the traditional link between area codes and geographic territories.

Support for the proposal came from a handful of citizens and the four telecommunications providers that submitted written comments, Ameritech Michigan, Verizon North Inc. and Verizon North Systems (collectively, Verizon), Verizon Wireless, and AT&T Wireless PCS, LLC (AT&T Wireless). The opinion of the citizens who supported the overlay proposal was that such an approach was inevitable and would prove to be the best long-term solution. The providers argued that adoption of the overlay proposal would be in the public interest because it would encourage flexibility in the assignment of resources, standardize dialing patterns, and facilitate future area code relief. They also contended that the overlay approach would be fairer to wireless customers and would take less time to implement.

Although supportive of the overlay alternative, the providers were well aware of the substantial opposition to that proposal by the general public. Accordingly, their comments reflect various concerns that could arise if the Commission were to order implementation of a geographic split. In their comments, Ameritech Michigan and Verizon argue that Section 303(5) of the Act, MCL 484.2303(5); MSA 22.1469(303)(5), does not require that the new area code boundaries conform to county lines because it is not "technically and economically feasible" to split the area code in that matter. Verizon Wireless and AT&T Wireless contend that adoption of a geographic split should be accompanied with wireless grandfathering, which would permit wireless customers throughout the existing 810 area code to retain the 810 area code designation. According to Verizon Wireless and AT&T Wireless, wireless grandfathering will spare them from the necessity of reprogramming the wireless telephones of many of their customers.

Finally, it was generally agreed that the Commission should provide a minimum of seven months between the Commission's order and the implementation of permissive dialing, with an additional four months between the start of permissive dialing and the start of mandatory dialing if the overlay option is approved. For a geographic split, it was agreed that there should be a minimum of nine months between the Commission's order and implementation of permissive dialing, with an additional six months between the start of permissive and mandatory dialing.

The Commission finds that the 810 area code relief plan recommended by NeuStar and the telecommunications providers should not be approved. The Commission is persuaded that implementation of an overlay remedy is not in the public interest. Given the overwhelming opposition to implementation of an overlay plan, coupled with the fact that the proposed overlay plan would not significantly delay the necessity of further area code relief in the affected region, the Commission concludes that implementation of a geographic split of the 810 area code constitutes a more

reasonable approach. Moreover, the Commission is persuaded that the third alternative, which calls for Macomb County to be assigned the new 586 area code designation and the remainder of the existing area code to retain the 810 area code designation, is preferable to the other two geographic split proposals.³ The Commission recognizes that not all customers will be satisfied with approval of this alternative, but any other option will dissatisfy as many or more customers. The first alternative, which involves an east/west split of the existing 810 area code would be inequitable because the new area code to be formed out of the eastern portion of the existing area code is projected to require further area code relief in less than two years, whereas the western portion would not require further area code relief for more than seven years. The second alternative involves a split of the area code into the same geographical areas as called for under the third alternative. The only difference between the second and third alternatives is which customers will retain the 810 area code designation. Because the geographic split proposed in the second and third alternatives essentially separates Macomb County from the remainder of the 810 area code, the Commission finds that assigning Macomb County the new 586 area code designation constitutes the most reasonable solution.

The Commission also finds, as Ameritech Michigan and Verizon argue, that it is neither technically nor economically feasible to split the area code precisely along county lines and, therefore, the plan approved herein complies with Section 303(5) of the Act. To conform to county lines, providers along the boundary would have to reconstruct their networks and reconfigure their exchange boundaries. The required changes would likely be expensive and time-

³The Commission's approval of the third alternative includes approval of "wireless grandfathering," as proposed by AT&T Wireless and Verizon Wireless.

consuming, as well as disruptive to customers. However, the new 586 area code adopted today by the Commission does follow Macomb County lines as nearly as practicable.

The Commission is aware of the arguments presented by some, most notably the Oakland County Executive, that it should reject all the alternatives until all avenues for reclaiming and conserving numbers have been exhausted. The Commission has already opened a docket⁴ on these issues and agrees that these measures may be helpful in the long-run. The Commission will actively pursue these options. However, the Commission believes that the projected exhaustion date necessitates immediate Commission action on the area code split.

Some persons urged the Commission to order a technology-specific overlay. In most cases, such suggestions called for assignment of the new 586 area code exclusively to cellular telephones and other wireless devices. At the public hearings, the Commission indicated that the FCC's current policies do not allow technology-specific overlays. However, on December 7, 2000, the FCC approved its Second Report and Order and Further Notice on numbering issues (FCC No. 00-429). The FCC, at the urging of Michigan and other states, has opened a comment period on modifying the current prohibition on service-specific and technology-specific overlays, which could result in permitting states to implement service-specific and technology-specific overlays subject to certain conditions. The Commission intends to file comments in that proceeding and encourages those persons who raised this issue at the hearings to do likewise.

The Commission directs that the industry implement permissive dialing by September 22, 2001 and mandatory dialing by March 23, 2002. This schedule allows the time recommended for

⁴Case No. U-12703 is dedicated to the reclaiming of NXX codes.

the implementation process. The industry should file monthly progress reports with the Commission, beginning January 1, 2001, until the area code relief plan is fully implemented.

Finally, to facilitate implementation of the plan, the Commission directs the industry to file, within 30 days, a plan for customer education. The plan should include training for company personnel in dealing with customer inquiries related to the area code relief plan as well as examples of training materials that will be used to educate company personnel involved in customer relations. The plan should address such items as billing insert schedules, press kits, public service announcements, and other resources that will be used to respond to customer education needs and inquiries. The plan should also identify primary contacts within each company to address area code questions.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.
- b. The third alternative 810 area code relief plan filed by NeuStar on behalf of the telecommunications industry, which is depicted on the map attached to this order as Exhibit A, should be approved.
- c. Permissive dialing should commence by September 22, 2001 and mandatory dialing should commence by March 23, 2002.
- d. The industry should file monthly progress reports until the area code relief plan is fully implemented.

e. The industry should file, within 30 days, a plan for customer education.

THEREFORE, IT IS ORDERED that:

A. The third alternative 810 area code relief plan filed by NeuStar, Inc., on behalf of the industry as shown on Exhibit A attached to this order should be approved.

B. Permissive dialing shall commence by September 22, 2001 and mandatory dialing shall commence by March 23, 2002.

C. Beginning January 1, 2001, the industry shall file monthly progress reports until the area code relief plan is fully implemented.

D. The industry shall file, within 30 days, a plan for customer education consistent with this order.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

(SEAL)

/s/ John G. Strand
Chairman

/s/ David A. Svanda
Commissioner

By its action of December 11, 2000.

/s/ Dorothy Wideman
Its Executive Secretary

/s/ Robert B. Nelson
Commissioner

e. The industry should file, within 30 days, a plan for customer education.

THEREFORE, IT IS ORDERED that:

A. The third alternative 810 area code relief plan filed by NeuStar, Inc., on behalf of the industry as shown on Exhibit A attached to this order should be approved.

B. Permissive dialing shall commence by September 22, 2001 and mandatory dialing shall commence by March 23, 2002.

C. Beginning January 1, 2001, the industry shall file monthly progress reports until the area code relief plan is fully implemented.

D. The industry shall file, within 30 days, a plan for customer education consistent with this order.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

By its action of December 11, 2000.

Commissioner

Its Executive Secretary

Commissioner

In the matter, on the Commission's own motion,
to consider implementation of an 810 area code
relief plan.

Case No. U-12588

Suggested Minute:

"Adopt and issue order dated December 11, 2000 approving one alternative of the 810 area code relief plan filed by NeuStar, Inc., on behalf of the telecommunications industry and requiring that permissive dialing for the new area code commence by September 22, 2001, as set forth in the order."

EXHIBIT B

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion,
to consider implementation of a 248 area code
relief plan.

Case No. U-12721

At the November 20, 2000 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER AND NOTICE OF HEARING

The 1999 Central Office Code Utilization Survey's projected demand for new central office codes (frequently referred to as NXX codes) indicated that the still-available NXX codes in the 248 area code could be exhausted by the first quarter of 2000. Based upon the projected exhaustion date and an unanticipated increase in the demand for NXX codes within the 248 area code, the North American Numbering Plan (NANP) Administrator, which is currently NeuStar, Inc.,¹ formally declared the 248 area code's numbering plan to be in jeopardy and, on May 17, 1999, notified the Commission and the telecommunications industry of that fact. Following discussions both among its members and with NeuStar, the industry adopted procedures intended to delay the exhaustion of NXX codes within the 248 area code until the second quarter of 2001.

¹In late 1999, all NANP and other numbering functions were transferred from Lockheed Martin IMS, Inc., to NeuStar.

On July 14, 1999, members of the industry met again with NeuStar, this time to discuss long-term relief alternatives for the 248 area code. In the course of that meeting, the relative benefits and pitfalls of several alternative relief plans were discussed. Those alternatives included proposals to implement various geographic splits or overlays.² As a result of that meeting, an all-services distributed overlay was recommended as the preferred means of relief. According to NeuStar and the industry, they reached this conclusion because (1) the 248 area code currently is divided into the smallest practical area without dividing communities of interest, and (2) implementing the all-services distributed overlay would allow customers to retain their existing 248 area code and not require them to change their seven-digit phone numbers. Because the statutes then in effect did not allow the Commission to assert jurisdiction over the proposed area code relief plan when it was initially presented, NeuStar and the industry submitted the proposal to the Federal Communications Commission (FCC) for review and approval.

On July 17, 2000, Governor John Engler signed into law Public Act 295 of 2000, which amended the Michigan Telecommunications Act, 1991 PA 179, as previously amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq. (the Act). Among other things, the Act's recent amendments grant the Commission authority to address proposed area code changes in Michigan. Specifically, Section 303(4) of the Act, which was added by Public Act 295, states that:

The commission has the authority to approve or deny a proposed addition, elimination, or modification of an area code in this state. The commission shall give public notice and shall conduct a public hearing in the affected geographic area before an addition, elimination, or modification of an area code is made in this state.

²A geographic split refers to situations in which the geographic area served by an area code in which there are few or no NXX codes left for assignment is split into two or more geographic parts, each with a separate area code. In contrast, an overlay provides relief by opening up another area code within the same geographic area as the area code requiring relief.

MCL 484.2303(4); MSA 22.1469(303)(4). In light of this recent extension of the Commission's authority, the FCC returned the issue of the 248 area code relief plan to the Commission for its consideration by letter dated July 28, 2000.

Pursuant to the authority and responsibility extended to it under Section 303(4) of the Act, the Commission finds that it should conduct a public hearing at 1:30 p.m. on December 11, 2000, at the Pontiac City Council Chambers, 47450 Woodward, Pontiac, Michigan, concerning the 248 area code relief plan proposed by NeuStar and the industry. At that time, representatives of NeuStar, members of the industry, the Commission Staff, and any interested persons may present their positions regarding the proposed relief plan.³ In addition, any person may submit written comments regarding the proposed plan.⁴ Written comments, which should reference the case number of this proceeding, must be received no later than December 12, 2000 in order to be considered. NeuStar and members of the industry that helped develop the plan will then be given 14 days to file responses regarding any substantive comments received by that date.

³Copies of the petition filed by NeuStar and the industry in support of their proposed 248 area code relief plan may be obtained from the Commission by calling either 1-800-292-9555 or 1-517-241-6170, or by writing to the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909.

⁴Section 303(5) of the Act provides that the Commission should consider modifying area code boundaries to conform to county lines "to the extent that it is technically and economically feasible." MCL 484.2303(5); MSA 22.1469(303)(5). It has come to the Commission's attention that at least two local exchange carriers, namely Ameritech Michigan and Verizon North Inc., f/k/a GTE North Incorporated, (Verizon) have expressed concern about the potential effect that Section 303(5) may have on cases like this. The Commission therefore recommends that these two providers submit in this docket (on or before December 12, 2000) written comments specifically addressing the implications of Section 303(5). Moreover, the Commission recommends that these providers include in those comments their respective positions regarding the advisability of implementing an overlay versus a geographic split, as well as an estimate of the time that it would take to implement either of those options.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. A public hearing should be held concerning the 248 area code relief plan proposed by NeuStar (serving in its capacity as the North American Numbering Plan Administrator) and members of the industry.

THEREFORE, IT IS ORDERED that:

A. A public hearing concerning the 248 area code relief plan proposed by NeuStar, Inc., and members of the telecommunications industry shall be held at 1:30 p.m. on December 11, 2000, at the Pontiac City Council Chambers, 47450 Woodward, Pontiac, Michigan.

B. The Commission shall provide notice of that public hearing in accordance with the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.506(101) et seq., and 1991 PA 179, as amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.

C. The public hearing will be legislative in nature and any person may present data, views, questions, and arguments regarding the proposed 248 area code relief plan. Statements may be limited in duration in order to ensure that all interested parties have an opportunity to participate in the proceedings.

D. Any person may submit written comments, suggestions, data, views, questions, and arguments concerning the proposed 248 area code relief plan. Written comments must be submitted to

both the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909 and
Mr. Frank Colaco, NeuStar, Inc., 1120 Vermont Ave. N.W., Suite 550, Washington, D.C. 20005.

All written comments must be received no later than December 12, 2000.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand
Chairman

(SEAL)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of November 20, 2000.

/s/ Dorothy Wideman
Its Executive Secretary

both the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909 and
Mr. Frank Colaco, NeuStar, Inc., 1120 Vermont Ave. N.W., Suite 550, Washington, D.C. 20005.

All written comments must be received no later than December 12, 2000.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of November 20, 2000.

Its Executive Secretary

In the matter, on the Commission's own motion,
to consider implementation of a 248 area code
relief plan.

Case No. U-12721

Suggested Minute:

"Adopt and issue order dated November 20, 2000 commencing a public hearing regarding implementation of a 248 area code relief plan, as set forth in the order."